

224286

**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

E.I. DUPONT DE NEMOURS AND COMPANY	)	
	)	
Complainant,	)	
	)	
v	)	Docket No NOR 42112
	)	
CSX TRANSPORTATION, INC	)	
	)	
Defendant.	)	

**JOINT MOTION FOR PROCEDURAL SCHEDULE**

Complainant, E I du Pont de Nemours and Company ("DuPont") and defendant, CSX Transportation, Inc. ("CSXT"), hereby jointly request that the Board adopt the following procedural schedule for the above-captioned proceeding:

Staff Supervised Discovery Conference	February 6, 2009 (subject to change, as appropriate)
Discovery Closes	April 1, 2009
Joint submission of operating characteristics	June 15, 2009
Complainant's Opening Evidence	July 24, 2009
Defendant's Reply Evidence	November 19, 2009
Complainant's Rebuttal Evidence	January 26, 2010
Final Briefs	February 16, 2010

DuPont and CSXT have agreed upon this procedural schedule based upon three principal considerations. First, they attempted to follow the format adopted by the Board in *Seminole Electric Cooperative, Inc v CSX Transportation, Inc* , Docket No NOR 42110 (served December 11, 2008) ("*Seminole*") Second, they slightly extended the time frames in the *Seminole* schedule to reflect the greater scope and complexity of the DuPont Complaint. Third,

because CSXT has engaged the same counsel and consultants in the *Seminole* and *DuPont* cases, and DuPont has engaged the same consultants as Seminole has engaged, the parties have attempted to minimize conflicting and overlapping filings with the *Seminole* procedural schedule

The parties respectfully request that the Board adopt this schedule, which they have carefully considered and negotiated to balance multiple factors

Respectfully submitted,



Nicholas J. DiMichael  
Jeffrey O. Moreno  
Thompson Hine LLP  
1920 N Street, N W , Suite 800  
Washington, D C. 20036  
(202) 331-8800

January 5, 2009



G Paul Moates  
Paul A. Hemmersbaugh  
Sidley Austin LLP  
1501 K Street, NW  
Washington, D C 20005  
(202) 736-8175